

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-CV-00289-M

SEAN B. MAYO,

Plaintiff,

v.

ROCKY MOUNT POLICE DEPARTMENT,
et al.,

Defendants.

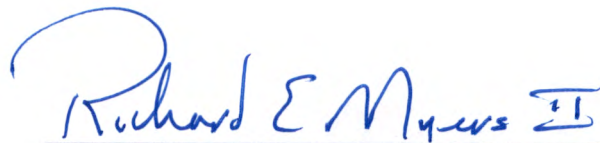
ORDER

This matter comes before the court on the Memorandum and Recommendation of Magistrate Judge Robert T. Numbers, II [DE 107]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Judge Numbers recommends the court to dismiss only the claims against Rocky Mount Community Corrections Judicial Center Probation Department, Kiwana Johnson and Dennis Parris in their official capacities. Plaintiff has not objected.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, the court GRANTS in part and DENIES in part the motion to dismiss [DE 78]. The court DISMISSES all claims against Rocky Mount Community Corrections Judicial Center Probation Department, Kiwana Johnson, and Dennis Parris in their official capacity. The remainder of the motion is DENIED.

SO ORDERED this 10th day of January, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE